

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROBERT SPIEGEL,)
Plaintiff,)
v.) C.A. No. 16-12654-PBS
THE COMMONWEALTH OF)
MASSACHUSETTS, et al.,)
Defendants.)

ORDER

Saris, C.J.

On December 30, 2016, pro se litigant Robert Spiegel filed a complaint in which he alleges that state court judges and employees violated his federal rights in the course of his divorce proceedings in the Norfolk Probate and Family Court. He names as defendants the Commonwealth of Massachusetts, Norfolk Probate and Family Court, four justices of that court, and three court employees. In an order dated January 11, 2017, the Court directed Spiegel to show cause within 35 days why his complaint should not be dismissed based on the doctrines of judicial immunity, quasi-judicial immunity or the state's immunity under the Eleventh Amendment.

Since that time, Spiegel has contacted the Clerk's office several times and stated that he has been unable to comply with the original show cause deadline because of serious medical problems. On March 21, he filed a motion for leave to file a late show cause response (#11). He asks therein that he be allowed to have until March 29, 2017 to update the Court on his

ability to respond to the show cause order. He also filed a motion to file documents and receive notice of docket activity electronically via the Court's Case Management and Electronic Case Files ("CM/ECF") system. Spiegel represents that he has registered with the Public Access to Court Electronic Documents ("PACER") system of the federal courts.

Upon review of these motions, the Court hereby orders:

1. The motion for leave to file a late response (#11) is GRANTED insofar as the plaintiff seeks additional time to file his show cause response. Spiegel must file his show cause response no later than Friday, May 12, 2017. The Court does not anticipate granting any further requests for an extension of time. Failure to file a show cause response by this deadline may result in dismissal of the action.

Spiegel is reminded that the purpose of the show cause order is to demonstrate why (i) the Commonwealth is not protected by Eleventh Amendment immunity; and (ii) claims against the other defendants are not barred by judicial or quasi-judicial immunity. Spiegel does not need to offer evidence supporting previously-pled factual allegations.

2. The motion to file by CM/ECF (#10) is ALLOWED for this action provided that Spiegel registers for a CM/ECF account and completes any necessary training. The Clerk shall provide Spiegel with the name and contact information of the person within the Clerk's office responsible for assisting litigants with registration and training for CM/ECF.

SO ORDERED.

3/27/2017
DATE

/s/ Patti B. Saris
PATTI B. SARIS
CHIEF, U.S. DISTRICT JUDGE